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C O N F I D E N T I A L SECTION 01 OF 05 COLOMBO 001893

SIPDIS

DEPARTMENT FOR D, SA, SA/INS, S/CT, INR/NESA; NSC FOR
E. MILLARD

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E.O. 12958: DECL: 11-03-13

TAGS: PGOV PTER PINS PREL CE NO LTTE

SUBJECT: LTTE counterproposals on interim
administration in north/east generate mixed reaction

Refs: (A) Colombo-SA/INS 11/03/01 unclass e-mails

- (B) Colombo-SA/INS 11/01/01 unclass e-mail
- (C) Colombo 1878, and previous
- (D) Oslo 2153 (All Notal)

(U) Classified by Charge' d'Affaires James F. Entwistle.
Reasons 1.5 (b,d).

1. (C) SUMMARY: The Norwegian facilitators provided the Tamil Tigers' long-awaited counterproposals on the modalities for an interim administration in the north/east to the GSL on October 31. The Tiger plan, which was publicly released at a November 1 press conference, seeks wide-ranging powers for the group, including over law and order, finance, and sea access. The plan has generated a mixed reaction: The GSL, for example, while noting that it has differences with the plan, underscored its interest in restarting direct talks. Muslims and the radical JVP, however, came out against the Tiger plan, and indications are that President Kumaratunga and her party will too. In our estimation, while some of what the Tigers have spelled out is extreme, the issuance of the counterproposals is a potentially vital step forward for the peace process. The test of real progress will be whether the LTTE shows flexibility in face-to-face talks. END SUMMARY.

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LTTE issues Counterproposals
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2. (SBU) Per the schedule laid out in Refs C-D, the Norwegian facilitators provided the counterproposals developed by the Liberation Tigers of Tamil Eelam (LTTE) regarding the setting up of an interim administration in the north/east to the GSL on October 31. The LTTE plan was formulated in response to a July 2003 proposal made by the Sri Lankan government. In a brief October 31 trip to the LTTE-controlled Vanni region in north-central Sri Lanka, Norwegian Ambassador Hans Brattskar received the counterproposal document from LTTE political leader S.P. Thamilchelvam and handed it over to the GSL that same day. The government then transmitted copies of the LTTE document to President Kumaratunga and Rauf Hakeem, the leader of the Sri Lanka Muslim Congress (SLMC), who was in London.

3. (C) The LTTE made the counterproposals public at a November 1 press conference held in the town of Kilinochchi in the Vanni. At the press conference, Thamilchelvam read a brief statement highlighting key elements of the counterproposals. (Note: A copy of the LTTE counterproposal document was e-mailed to SA/INS in Ref B. The text of the proposal can also be found at www.TamilNet.com. Highlights of the document are reviewed below. A U.S. Embassy press statement issued on November 3 is contained in Ref A. Septel reviews press reaction. End Note.) In his statement, Thamilchelvam said the formation of an "Interim Self-Governing Authority" was necessary in order to bring "dignity and equal rights to Sri Lanka's Tamil people" in the north/east. While he said he recognized that the entire island had suffered due to the war, he asserted that only the south had benefited from the peace process to date, as opposed to the north and east. In response to one of the few press questions that were allowed, Thamilchelvam replied that the LTTE would not be participating in the peace process if it still sought a Tamil Eelam (a separate state). Tomas Stangeland, a Norwegian Embassy poloff who attended the press conference, told polchief on November 3 that Thamilchelvam's comments were basically "non-polemical in tone."

4. (C) For its part, the Sri Lankan government -- through G.L. Peiris, key minister and chief peace process negotiator -- issued a brief statement reacting to the Tigers' counterproposals on November 1. Without providing specifics, the GSL statement noted that the

LTTE's document "differs in fundamental respects" from the government's July proposal. The statement went on to say, however, that "the government is convinced that the way forward lies through direct discussion of the issues arising from both sets of proposals."

15. (C) In both the GSL statement and Thamilchelvam's comments at the press conference, each side requested that the Norwegian facilitators arrange an initial face-to-face meeting between the two parties. The aim of this meeting would be for the two sides to settle on the modalities for a resumption of the substantive negotiations which the Tigers pulled out of in April. As Mission has been told before (see Ref C), Stangeland told polchief that the GoN hoped that this meeting could take place by late November or early December, with substantive talks to follow by early 2004. Stangeland also confirmed press reports that Deputy Foreign Minister Vidar Helgesen planned to visit Sri Lanka for talks with the GSL and the LTTE from November 10-13. According to Stangeland, Helgesen would use the visit to take the temperature of the process in the aftermath of the issuance of the Tigers' counterproposals, and to try to set dates for the recommencement of talks.

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Group seeks Wide-ranging Powers
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16. (SBU) The LTTE document itself is awkwardly entitled, "The Proposal by the Liberation Tigers of Tamil Eelam on behalf of the Tamil People for an Agreement to Establish an Interim Self-Governing Authority for the NorthEast of the Island of Sri Lanka." The document, which is relatively moderate and non-strident in tone for something issued by the Tigers (if extreme at times in substance), sets out a menu of wide-ranging powers for the group in the north/east. The document is believed to be the first time the Tigers have put to paper their ideas for an interim governing structure in one comprehensive text. The document, which is considerably more sweeping than the GSL's July proposal, is the culmination of months of meetings between LTTE officials and pro-LTTE elements living outside of Sri Lanka.

17. (SBU) With respect to the specifics of the plan, the Tigers have termed their governing structure the "Interim Self-Governing Authority" (ISGA). The ISGA would have jurisdiction over eight districts in the north and east, including Amparai, Batticaloa, Jaffna, Kilinochchi, Mannar, Mullaitivu, Trincomalee, and Vavuniya. Key aspects of the Tigers' plan include:

-- ISGA Composition: The ISGA will include members appointed by the LTTE, the GSL (picking for the Sinhalese community), and the Muslim community in the north/east. The LTTE appointees will have an absolute majority in the ISGA. A chairperson, elected by majority vote in the ISGA, will serve as chief executive. That chairperson will then appoint the chief administrator for the north/east and other officers.

-- Operational Term: The ISGA will be in operation for five years at which time elections for the north/east will be held if a permanent solution to the conflict has not yet been reached.

-- Plenary Powers: The ISGA will have plenary power for governance over the north/east for resettlement, rehabilitation, reconstruction and development of the region, as well as power over raising revenue, law and order, and land.

-- Finance: A Finance Commission, made up of ISGA-appointed members, will make recommendations on the amount of funding to be allocated in the north/east. The ISGA will control all expenditures for the north/east, including all allocations by international organizations or institutions earmarked for the north/east. The ISGA will also have the authority to borrow money.

-- Sea Access: The ISGA will "have control over the marine and offshore resources of the adjacent seas and the power to regulate access thereto." (Note: If implemented, this provision would appear to allow the Tigers the unrestricted ability to import arms-related items.)

-- Judiciary: According to the document, "separate institutions for the administration of justice shall be established for the north/east." Such institutions will have sole and exclusive power to resolve all disputes that arise in the north/east.

-- Sri Lankan Military Forces: The document asserts that the "occupation of land by the armed forces of the GSL, and the denial to the rightful civilian owners of unfettered access" is a "violation of the norms of international law." The LTTE demands that "such land must be immediately vacated and restored to the previous owners." (Note: It is not clear whether this provision would require the Sri Lankan military to withdraw from all of its "high security zones," or just from some of them.)

-- Human Rights: The document says that "the people of the north/east shall be accorded all rights as are provided under international human rights law and all actions of the ISGA shall conform to internationally accepted standards of human rights protection." To ensure this, there will be an ISGA-appointed "independent" human rights commission.

-- Religion: No religious faith shall be given the "foremost place" in the north/east. (Note: The Sri Lankan Constitution gives Buddhism the "foremost place in the country.")

-- Constitutional Issue: It is not clear whether the Tigers consider the ISGA to flow from the Sri Lankan Constitution or not. It appears possible that the group believes that the ISGA could be encompassed by the 13th Amendment to the Sri Lankan Constitution which merged the north and east per the 1987 Indo-Sri Lankan Accord. Because of the sharp political controversy over the Indo-Sri Lankan Accord, implementing legislation for the 13th Amendment has never been passed and a national referendum has never taken place to approve it.

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Proposals garner Mixed Reaction
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18. (C) Reaction to the Tigers' counterproposals has been mixed. While President Kumaratunga has not yet issued a formal reaction, she indicated publicly on November 2 that she thought the Tiger document was too far-reaching, but she did not elaborate. In the meantime, her party, the People's Alliance (PA), is reportedly studying the document, but -- as of mid-day November 3 -- has not issued a formal statement as of yet. The PA is expected to hold a press conference late November 3 to discuss the LTTE counterproposals

19. (C) There has already been negative feedback from Muslims and the radical Marxist Janatha Vimukthi Peramuna (JVP):

-- Muslims: From London where he is visiting, SLMC leader Rauf Hakeem publicly rejected the Tigers' counterproposals, characterizing them as "unacceptable" and stating that they did not reflect the "aspirations" of the Muslim people. Muslims, who "are concerned about living in a LTTE-dominated structure," need "firm and legal" protections in the north/east, Hakeem said. Hakeem has called for a meeting with fellow Muslim MPs to discuss next steps.

-- JVP: As could have been predicted, the radical JVP reacted swiftly and strongly against the counterproposals, with JVP Secretary General Tilvin Silva asserting to the press on November 2 that the proposals laid the foundation for a "separate state," and that the GSL should not even discuss them. JVP MP Wimal Weerawansa characterized the counterproposals as a "stepping-stone to Tamil Eelam."

10. (C) Other interlocutors were considerably more balanced in their comments, expressing some concerns but noting that the way now seemed open for a return to negotiations:

-- Buddhist Clergy: Initial reaction by Buddhist clergy was moderate in tone, with the Mahanayake (leader) of the important Malwatte temple in Kandy stating publicly that "we should not disrupt the peace process at any cost" and calling for open discussion of the counterproposals. Expanding on the Mahanayake's comments, another Malwatte temple official, Dehideniye Rathanasara, told Mission that it was a positive development that the GSL had been able to get the Tigers to formalize their ideas on power-sharing. Rathanasara expressed concern, however, about the future of the Sri Lanka military in the north/east, feeling that the GSL's forces must not be withdrawn.

-- Civil Society: Local think-tank commentators were relatively upbeat in their remarks. Kethesh Loganathan, an analyst at the Center for Policy Alternatives, told poloff that submission of the counterproposals was a

constructive step. Jehan Perera, media director for the National Peace Council, agreed, remarking that he saw the situation as a net positive as the LTTE and the GSL clearly wanted to move forward and restart negotiations.

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COMMENT
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¶11. (C) In our estimation, the issuance of the counterproposals -- although they are extreme in some aspects -- is a potentially vital step forward for the peace process. Since the Tigers pulled out of the talks in April, the process has basically been on ice, with Sri Lankans enjoying the considerable fruits of a "no war, no peace" situation, but without there being measurable movement toward an interim or final settlement. Now, with the LTTE for the first time ever providing a set of comprehensive proposals, the two sides have something new and important to debate in face-to-face talks.

¶12. (C) That said, the test for real progress will be whether the LTTE shows flexibility in these talks, or whether it considers its counterproposals its irreducible bottom-line. Based on Norwegian interactions with the group over the past several months, Tomas Stangeland told us that he thought the group would be willing to be flexible to some extent. Other observers, however, doubt that this is the case given the group's tendency to veer toward the hard line. If the Tigers are not willing to do some give-and-take, that could spark turbulence in the south. Overall, as with much of the peace process dating back to its inception in December 2001, progress hinges to a large extent on the LTTE's realization that "all or nothing" will not do. END COMMENT.

¶13. (U) Minimize considered.

ENTWISTLE